

Issued June 27, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

---

## NOTICE OF JUDGMENT NO. 406, FOOD AND DRUGS ACT.

---

### ADULTERATION OF MIXED OATS.

On or about April 10, 1909, the McLemore Grain Co., Nashville, Tenn., shipped from said city to Talladega, Ala., a certain quantity of what purported to be No. 2 mixed oats. Samples of the product were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the McLemore Grain Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of this act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence on which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Middle District of Tennessee charging the above shipment and that the product was adulterated within the meaning of the act, in that it purported to be "No. 2 Mixed Oats," when, as a matter of fact, barley was substituted in part for oats and the product was a mixture of oats and barley and contained 12 per cent of barley instead of being only mixed oats as it falsely purported to be.

The defendant upon arraignment entered a plea of guilty to the above information and the court imposed a fine of \$100 and the costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*

O